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2/24/03

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

JOHN D. PERKEY and
THERESA M. PERKEY,
Petitioners/Plaintiffs

v.

RELIABLE CARRIERS, INC.
DANIEL JOSEPH BEMBEN,
AND KENT,
Respondents/Defendants

:
: CIVIL NO. 1:00-CV-1639
:
: (MAGISTRATE JUDGE SMYSER)

FILED
HARRISBURG, PA

FEB 21 2003

MARY E. D'ANDREA, C
Per 9/6
Deputy Clerk

PETITION TO AMEND JOINT CASE MANAGEMENT ORDER

1.

The Petitioners are John D. Perkey and Theresa M. Perkey, the Plaintiffs in this action.

2.

The Respondent is Reliable Carriers, Inc., Daniel Joseph Bemben, and Kent.

3.

Counsel for the parties have reviewed the status of discovery as well as the status of the underinsured motorists cases related to this case, and counsel believes that the changes to the Joint Case Management Plan would be appropriate. The parties have reached a tentative settlement of the Prudential v. Perkey case.

4.

There is a good cause for said changes. The discovery deadline as well as the deadline for the Initial Expert Reports and Dispositive Motions were all set to be completed by February 28,

2003. Depositions of the Defendants which have an impact on the Expert Report were scheduled for Tuesday, February 18, 2003, in Detroit, Michigan, at 9:30 a.m. The large snowstorm which closed airports and closed the surrounding highways on Monday, February 17, 2003, and Tuesday, February 18, 2003, forced the cancellation of the Defendants' depositions. These have now been rescheduled for Wednesday, February 26, 2003, at 9:30 a.m. in Detroit, Michigan. In order to follow up with any additional discovery, the parties are requesting that the discovery deadline for Expert Reports as well as the Dispositive Motions deadline be moved to Monday, March 10, 2003. The deadline for Supplemental Expert Reports would be March 31, 2003. All other deadlines would remain the same.

5.

The parties hereby request the following changes to the Case Management Order as follows:

Deadline for Discovery:	March 10, 2003
Deadline for Expert Reports:	March 10, 2003
Deadline for Supplemental Expert Reports:	March 31, 2003
Dispositive Motions:	March 10, 2003
Motion in Limine:	April 4, 2003
Pre-Trial Date:	April 17, 2003
Trial Date:	May 5, 2003

6.

E. Ralph Godfrey, Esq., counsel for the Respondent/Defendant, consents to the requested amendment as set forth herein.

WHEREFORE, the Petitioner/Plaintiff requests that the Court amend the Joint Case Management Plan Order as requested herein.

Respectfully submitted,

IRWIN, McKNIGHT & HUGHES

By: 

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Date: February 21, 2003

